

**CRIMINAL JUSTICE SERVICES BOARD  
COMMITTEE ON TRAINING**

**MINUTES**

*December 14, 2006*

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, December 14, 2006, in House Room D of the General Assembly Building, in Richmond, Virginia.

***Members Present:***

Sheriff Beth Arthur

Mr. Robert L. Bushnell

Mr. Alfred T. Dowe, Jr.

Mr. Gerald P. Eggleston (*Proxy for Gene Johnson, Director, Department of Corrections*)

Mr. Kevin S. Hodges

Chief Alfred Jacocks, Vice Chair

Chief James R. Lavinder

Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)

Dr. Jay W. Malcan

Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flagherty, Superintendent, Virginia State Police*)

Mr. Sherman C. Vaughn

Mr. Christopher R. Webb

***Members Not Present:***

Sheriff Charles W. Phelps, Chair

***DCJS Staff Present:***

Leon Baker  
Ron Bessent  
Colette Brown  
John Byrd

Matt Davis  
George B. Gotschalk  
Sharon Gray  
Judith Kirkendall

Lisa McGee  
Thomas E. Nowlin  
Burt Walker

***Others Present:***

J. Cliborne, *Crater Criminal Justice Training Academy*  
Bruce Ferguson, *Fairfax County Police Department*  
Patronda Graham, *Hampton Roads Criminal Justice Training Academy*  
Tim Kindrick, *Central Shenandoah Criminal Justice Training Academy*  
Tyrone Morrow, *Fairfax County Criminal Justice Academy*  
Winston Robertson, *Hanover County Sheriff's Office*  
Rick Schurz, *Henrico County Police Academy*  
Ronald Staton, *Central Virginia Criminal Justice Academy*  
Barbara Walker, *Virginia Commonwealth University Police Department*  
Mike Yost, *Williamsburg Police Department*

***Call To Order:***

Chief Jacocks called the meeting to order. The roll was called with eleven (11) members present, which indicated a quorum. (*Mr. Webb arrived later.*) The Vice-Chairman noted that an updated draft of the minutes was before the members, which included grammatical corrections made to the draft that was mailed earlier. The Vice-Chairman asked if there were any other questions or comments regarding the minutes of the last meeting. Hearing none, he asked for a motion to approve the minutes as written. Mr. Vaughn made a motion to approve the minutes; Captain Terry seconded, and the minutes were approved unanimously.

***Public Hearings on Revisions to the Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers***

Chief Jacocks officially opened the public hearings by reviewing the procedure that would be followed during the process. He noted that the first part of the hearings would deal with Revisions to the Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers and that the same procedure would apply to the approval of the Rules Relating to Instructor Standards.

Chief Jacocks asked Ms. Kirkendall to provide a review of the recommendations. Ms. Kirkendall advised that Law Enforcement Curriculum Review Committee (CRC) met in September. She

added that Major Tyrone Morrow, Director, Fairfax Police Academy and member of the CRC, would make the recommendations to the Committee.

The recommendations with suggested changes highlighted along with a summary matrix of comments were distributed to the members. Major Morrow advised that since the meeting of the CRC, the recommendations were mailed to the public for the sixty- (60-) day comment period. He acknowledged that only six (6) comments were received. (*Copies of these documents are available upon request.*) He reviewed the comments and the committee's recommendations, and briefly discussed each. Some of the comments were:

- **Training Objectives:**

- Captain Tonya Vincent, Arlington Police Department, suggested changing "interrogation" to "interview" in **2.30.2**. The CRC recommends revisiting this item at the next meeting of the CRC. They believe this is a substantive change regarding law and needs to be brought back before the COT.

- **Lesson Plan Guides:**

- Chief Deputy Mike Williams, Clarke County Sheriff's Office, recommended the following italicized additions:

- (1) to **4.46.5** to read "Initial contact and observation for signs of impairment, *note if speech is slurred, odor of alcoholic beverage, ability to follow directions*", and

- (2) "*Please see attached DUI offense report*" to **4.46.6** and **4.46.7** to reflect that implied consent laws have changed.

Chief Deputy Williams also made a recommendation under the advisement of Commonwealth Attorney Suzanne Perka that too much information is grouped together and that the process should be outlined for different situations, such as:

- (a) accidents driver not transported

- (b) accidents driver transported to hospital

- (c) traffic stop, driver shows sign of impairment but no odor of alcoholic beverage about person.

- Ron Staton, Director, Central Virginia Criminal Justice Academy, recommended that "National Incident Command System (NIMS)" should be "National Incident Management System (NIMS)" in **4.38.5**.

Major Morrow advised that the recommendations for change in **LPG 4.38.5** is a technical change and could be adopted by the Committee on Training at the present meeting. However, recommendations for changes in **2.30.2** and **LPG 4.46** are substantive regarding law and requested that these be sent to the CRC for a comprehensive review and a response returned to the COT in 2007.

Chief Jacocks asked if there were any comments or questions. Mr. Bushnell asked why does the CRC wish to table some of the recommended changes until 2007. Ms. Kirkendall responded that the CRC does not set the standards related to the use of DUI. Staff would need to identify this change in the law and get the notice out to the public about this change. Mr. Baker asked for clarification if staff was suggesting that the Committee could vote on **4.46.5** at the current meeting and wait to vote on the changes to **4.46.6** and **4.46.7** after further review by the CRC.

Ms. Kirkendall responded that staff would need to check the DUI Offense Report to determine if there is anything else the CRC should assess. She advised that the public needs to be notified that there is a change in the law as it relates to the form. Chief Jacocks asked if staff would send out this notice. Ms. Kirkendall responded that staff would do this. Mr. Bushnell asked if the lesson plan guides for driving while intoxicated were out of date. Ms. Kirkendall responded that based on the comment submitted by Chief Deputy Williams, that a portion of the lesson plan may be out of date. Mr. Bushnell advised that based on current law if one is under arrest, one would be requested to take the test. However, if the individual suspected of driving under the influence does not agree to the field sobriety test, then the officer must complete documents. He reiterated that this should be clarified and corrected without vocal comment as an arresting officer would present an invalid form, which might jeopardize the outcome of a DWI case. Ms. Kirkendall advised that staff would do its best. Chief Jacocks asked how long would it take for staff to mail out notification to the agencies. Ms. Kirkendall replied that this could be taken care of by the following Monday or Tuesday, December 18 or 19, 2006.

Chief Jacocks asked the members if there were any questions or comments. Hearing none, he asked if there were any individuals who had pre-filed with the Department or signed the sign-up sheet located at the entrance of the room to speak during the hearing. No one had pre-filed or signed up to speak before the hearing. Mr. Dowe made a motion to take recommendations to the full board, Sheriff Arthur seconded, and the motion was carried unanimously.

### **Public Hearings on Rules Relating to Instructor Standards**

Chief Jacocks introduced George Gotschalk, Chief, DCJS Standards and Training Section, to present a brief overview of the Rules Relating to the Certification of Criminal Justice Instructors and discuss its specific points. He reminded the members that the hearing would follow the same procedure as that for the revisions to the minimum training standards for law enforcement officers.

Mr. Gotschalk advised that the recommendations were made with the assistance of an advisory committee composed of the following:

- Chief Charles Bennett, Chief, Lynchburg Police Department;
- Chief Mike Yost, Williamsburg Police Department;
- Sheriff Kermit Osborne, Wythe County Sheriff's Office (now retired);
- Sheriff James R. Woodley, Brunswick County Sheriff's Office;
- Superintendent Lance P. Forsythe, Southside Regional Jail (who replaced Superintendent John Ison, Albemarle-Charlottesville-Nelson County Regional Jail);
- Lt. Michael Dodson, Director, Virginia Beach Police Academy;
- Vince Ferrara, President, Virginia Association of the Directors of Criminal Justice Training;
- Gerald Eggleston, Director, Department of Corrections/Academy for Staff Development;
- Captain Lenmuel Terry, Director, Virginia State Police Academy (who replaced former Director Ken Paul); and
- Major Joe Ryan.

Mr. Gotschalk distributed the rules and recommendations to the members and gave a brief account of the process of being certified as an instructor with an overview of the following recommendations:

- (1) **Removal of the category of Provisional Instructor from instructor certification.** He indicated that approximately one third of all officers in the state of Virginia are certified criminal justice instructors. In 2005, only four individuals applied to become a Provisional Instructor. He noted that some have argued to remove the category, and others have requested that the category remains.
- (2) **Certification as an instructor becomes null and void upon termination as an employee with a criminal justice agency.** Mr. Gotschalk explained that it is the agency administrator's option to have one of its employees as a certified instructor. When an application is submitted for instructor certification, it is approved and signed by the agency administrator, as well as the academy director. Currently, it is practiced that whenever an employee ends his employment with one criminal justice agency and is hired by another, the instructor certification goes with him. Mr. Gotschalk noted that it is also the option of the agency administrator to write to DJCS requesting that an individual be de-certified as an instructor, but this rarely occurs.
- (3) **Addition of the provision that allows a non-sworn instructor to become certified to instruct in their particular area of expertise.** For example, individuals who are civilian employees or conduct trainings of NCIC or VCIN can teach at the academies.
- (4) **Change the category of Radar Instructor to Speed Measurement Instructor.** Mr. Gotschalk advised that when this instructor category came into existence, RADAR was the only means of measuring speed. With the advancement of technology, LIDAR and VASCAR are additional means of measuring speed.
- (5) **Retain instructor re-certification** with the requirement that prior to becoming an instructor in other categories, the individual must complete two hours of training as a General Instructor. Also, the determination of re-certification of an instructor is at the discretion of the academy director based upon criteria established for their particular academy. In the past, individuals were also getting in-service credit for attending the re-certification courses.

Mr. Gotschalk reviewed the following comments:

- **6 VAC 20-80-10 Definitions.**

- **“Apprenticeship”**

- - Mr. Ferrara, Major Morrow, and Chief Joe Gaskins, Roanoke Police Department, recommended that the instructor applicant can be evaluated by a certified instructor during mandated instruction (as outlined in the proposed rules) or other course approved by the Academy Director. Mr. Gotschalk noted that apprenticeship speaks to accomplishing this during mandated training, and there are limits the opportunity for apprenticeship during instructor certification. This recommendation allows academy directors an option to have their instructor complete their apprenticeship through an alternative training approved by the academy director and under the director's supervision. This should allow the apprenticeship process to move more smoothly.

Mr. Baker asked if Mr. Gotschalk would be providing an errata sheet. Mr. Gotschalk responded that the errata sheets are generally provided after the decisions have been made and include them in the rules. Mr. Macon asked what was meant by “mandated” training. Mr. Gotschalk responded that mandated is entry-level or in-service training and means that the training is a requirement by the rules. He added that there are other specialized programs that are conducted that could be used with the academy director’s concurrence. He noted that he believes this type of language should remain although it would be made cleaner over the long term. He added that staff could check on this while performing academy re-certifications.

Mr. Macon mentioned that the comment regarding apprenticeship was suggesting that the term “mandate” be removed. Mr. Gotschalk responded that it was recommended that the addition that the academy director could approve a course as part of the apprenticeship process during the “mandated” instruction be added to the definition of the apprenticeship process. Mr. Eggleston asked for clarification that this is something that should be added. Mr. Bushnell asked about the staff’s reaction to the suggestion, as it would be helpful to the COT in making its decisions. Mr. Gotschalk responded that in 1984 the original intent was to have this done as mandated training because the instructors would be teaching mandated training as required by the rules. He noted that it has been difficult in getting individuals through the apprenticeship process to meet the requirements, which does not mean that they do not have good teaching skills. He added that staff does not have an objection to this.

Mr. Macon referred to the proposed recommendations and asked if items in red were the current language and items in blue were those being added. Mr. Gotschalk responded that the items in blue are recommendations and would be added based on what the COT decides. Chief Jacocks referred to the section “Apprenticeship” and asked if Chief Gaskins was recommending that “or approved” be deleted or is he recommending that it be added at the end. Mr. Gotschalk responded that the “or approved” referred to the process that historically DCJS staff had the option of approving every course (in-service, etc.). Therefore, “or approved” meant approved by DCJS.

- **6 VAC 20-80-20 Compulsory minimum standards for instructors.  
B(4), C(4), D(4), E(4)**

- Mr. Kindrick recommends that instead of what is already written, these sections should read, “Requires the applicant to be a certified General Instructor.” This means that prior to being certified in any of the specialty categories, one must already be a certified instructor.

Mr. Gotschalk explained that one of the original intents for the language was that the applicant would go through a General Instructor school because there are separate schools for each of the other categories (Defensive Tactics, Driver Training, Speed Measurement, and Firearms.). The committee felt that one should complete the basic instructor school (General Instructor), but it would not be necessary to be certified in the apprenticeship prior to being certified in the above-mentioned categories. This recommendation only removes the apprenticeship process on the General Instructor level, but retains the fact that all instructors must complete the basic instructor school and complete apprenticeship required for the various specialty categories



Mr. Gotschalk clarified that Mr. Kindrick is suggesting that each individual must be certified as an instructor (and completing the apprenticeship) prior to being certified in the specialty categories. In response to Mr. Bushnell's question about the staff's position on these issues, Mr. Gotschalk advised that this is a policy call on the part of the Board regarding policy changes. However, accomplishing this task of having their instructor applicants complete all of the specialized courses and necessary apprenticeships might be difficult for the academies.

Chief Jacocks asked if the proposed change is suggesting that the requirements for an individual requesting certification under each of the specialty categories are that they complete the General Instructor Course without an apprenticeship as a General Instructor and also complete apprenticeship necessary for the specialty category. Mr. Gotschalk responded that this is correct.

- **6 VAC 20-80-20 Compulsory minimum standards for instructors.**

- Major Morrow, Fairfax CJA, agrees with proposal that apprenticeship documentation would be retained at the academy and not sent to DCJS.

**6 VAC 20-80-20 Compulsory minimum standards for instructors.**

**A(6), B(8), C(7), D(7), E(7)**

- Mr. Kindrick recommends that instead of what is already written, these sections should read, "Requires the applicant to serve an apprenticeship, as specified in 6 VAC 20-80-40." He reasoned that in 6 VAC 20-80-40 training hours are already listed. Yet, not listing the hours in the above-mentioned sections may lead to confusion. Mr. Gotschalk acknowledged that the Department takes no position on this recommendation and will follow through on the advise of the COT.

**6 VAC 20-80-20 Compulsory minimum standards for instructors.**

**E "Speed Measurement"**

- Captain Flaherty, VSP, comments that if the terminology is changed from "Radar" to "Speed Enforcement" to reflect today's technological advances and the regulations are to suggest that the instructor in all areas of speed measurement should be DCJS certified, the language should also be changed in #3, 5, and 6 to indicate such.

- **6 VAC 20-80-30 Compulsory minimum training standards for instructor development and recertification courses.**

- Major Morrow agrees with proposed change that will allow instructor recertification training to be reduced from 6 hours to 2 hours for General Instructor and all specialty instructors.

- **6 VAC 20-80-40 Instructor apprenticeship requirements.**

**A(3)**

- Mr. Kindrick recommends changing this rule to reflect the reduction in hours from four to two hours for apprenticeship as the specialty instructors would have already demonstrated their proficiency in the classrooms by completing the qualifications of being certified as a General Instructor, and there are limited hours of instruction for candidates to perform apprenticeship requirements.

- Major Morrow agrees with proposed change that instructor apprenticeships would consist of four (4) hours of presentation for General and Radar Instructors, and sixteen (16) hours for Firearms, Driver Training and Defensive Tactics candidates.

Mr. Gotschalk advised that the Instructor Rules Committee recommended the language in the proposal that speaks to the issue of specialty instructor apprenticeships as being a minimum of eight hours in respect to the high liability associated with the specialty topics. He acknowledges that staff would proceed on the advice of the COT.

#### **6 VAC 20-80-40 Instructor apprenticeship requirements.**

##### **B**

- Mr. Kindrick recommends that the documentation of an individual's successful completion of the apprenticeship shall be maintained at the appropriate certified academy. Mr. Gotschalk responded that the Department has no problem with the recommendation.
- **6 VAC 20-80-50 Exemptions to certification requirements.**
  - Captain Flaherty suggests the inclusion of a "grandfathered" clause to indicate that individuals hired after January 1, 2007, who have conducted training as subject matter experts may continue to conduct training in their areas of expertise for only two years after being hired by an agency designated by the Code of Virginia as coming under the purview of the department.
  - Major Morrow disagrees with the proposed elimination of the exemption from instructor training for persons who instruct less than three hours as the elimination of the Provisional Instructor category might prove problematic for some of the courses taught by specialists. He believes that this category enables one who has the experience in an area to teach certain courses.

Mr. Gotschalk explained that periodically some of the instructors did not meet the requirements of instructor certification. One of the main requirements was that the individual applying for instructor certification had to have been employed by a criminal justice agency for two years. He noted that some agency administrators wanted individuals with experience to teach certain courses. Occasionally, they would have individuals who had specific skills but not the experience. The category of Provisional Instructor was created to indicate that the individual had completed the mandated training for the function they were employed but did not have the two years of employment with the criminal justice agency. The Provisional Instructor category was good for two years, then the individual would have to meet the same certification requirements as the other instructors. Mr. Gotschalk emphasized that this category is rarely used and the suggestion was that this category is removed.

Mr. Baker asked who might be considered a subject matter expert to teach three hours or less of training. Mr. Gotschalk responded that this would enable one who is not certified as an instructor but has the experience and knowledge in a particular field to conduct training. He added that there is a misapprehension of the term "mandated" in regards to certain courses. He noted, for example, that Fairfax Police Academy has special courses related to their new employees because of the geographical location of their police force. This would enable Fairfax to have



experts in various areas train at their academy for these particular reasons. Mr. Baker asked if administrative personnel might be considered subject matter experts.

Sheriff Arthur asked if an agency could use an individual employed by its agency (e.g. retired police officer or a military person with exceptional amount of training) as a subject matter expert for in-house training and have the training certified for in-service if the category of Provisional Instructor is removed. Mr. Gotschalk responded that in this case the category of Provisional Instructor would be useful for the academy. He added that a large majority of departments had no intention of using instructors at the academy level but wanted them certified for use in in-house training for liability protection.

Sheriff Arthur explained that some of these individuals would also be used to receive in-service credit as agencies are not just meeting DCJS standards, but are also having to meet the standards of other entities (e.g. American Correctional Association, etc.). She added that this is also why they have requested approval for some courses in two-hour blocks that would include topics such as suicide prevention, etc.

Mr. Bushnell asked about the purpose of **6 VAC 20-80-50.1**, which speaks to exempting individuals who instruct three hours or less of any approved training session, as it appears to conflict with **6 VAC 20-80-50.3**, which also exempts an individual who possesses professional or proficiency skills directly related to the subject matter. Mr. Gotschalk responded that the intent of **6 VAC 20-80-50.3** was to allow members of other professions outside of employment of a criminal justice agency (e.g. members of the bar, medical profession, teachers, social services, public practitioners, public administrators, etc.) to teach at the academies without having to be certified. He noted that DOC has within its employment, psychologists and various other professions, who are not subject to training requirements by DCJS, and wanted to make sure that these individuals would be allowed to teach various subjects for which personnel would receive credit. He added that **6 VAC 20-80-50.1** would allow individuals similar to those in Sheriff Arthur's hypothetical situation who are employed by a criminal justice agency the ability to instruct personnel.

Mr. Bushnell pointed out that **6 VAC 20-80-50.3** under the existing regulations does not exclude law enforcement officers. Mr. Gotschalk advised that the intent of the standards was that in order to be certified in a certain category, one must meet specific requirements. However, there are individuals who are professionals with great skills and are knowledgeable in certain subjects but cannot teach the information to others. General Instructor School was offered to help these individuals gain skills on how to teach others.

Mr. Baker asked if it was being suggested that **6 VAC 20-80-50.1** be deleted if the person has less than three hours and could not teach at all. Mr. Gotschalk responded that this might be true for in-service, but not for entry-level training because entry-level courses are usually lengthier sessions. He noted that for the Provisional Instructors, one would be considering an individual to teach who has less than two years of experience with a criminal justice agency. He added that if one is seeking to find the exception to certification for the three hours, as is indicated in **6 VAC 20-80-50.1**, one is putting good faith and credit in the academy director who would choose to get someone who is capable of performing. With respect to removing the category of Provisional

Instructor, Mr. Gotschalk noted that the Instructor Rules Committee considered the volume of instructors in the system who are not being used.

Mr. Baker asked if the category of Provisional Instructor was devised to keep individuals as instructors who do not fit in the other categories. Mr. Gotschalk explained that the idea of professional exemption was for people who are not subject to the rules. Sheriff Arthur asked about Major Morrow's thoughts on the category of Provisional Instructor. Major Morrow responded that certain academies like Fairfax CJA that has eight (8) district police stations and a large officer population might use individuals with expertise, who are not law enforcement officers, to come to the academy and train its officers on specific topics. Sheriff Arthur asked if the officers would still get credit that would meet **FLEA standards** or other standards other than those required of DCJS. Major Morrow responded that this was correct.

Mr. Bushnell asked if under the existing Subsection #3 would individuals be allowed to conduct training if they are not law enforcement officers as long as they exhibit extraordinary professional or proficiency skills and are teaching their specialized subject and would also teach longer than 3 hours. He noted that Subsection #3 does not specifically state law enforcement officers. Sheriff Arthur added that the individual would also appear to receive credit for teaching the sessions. Major Morrow responded that other issues include recruitment and retention is another issue in this regard.

Chief Jacocks asked if the individuals who to teach three hours or less selected because of their professional or proficiency skills directly related to the subject matter that they are teaching. Major Morrow responded that this is correct. Captain Terry asked would the individuals also be considered subject matter experts. Major Morrow responded that they would be considered subject matter experts.

Sheriff Arthur mentioned that she was concerned with the removal of the provision is the interpretation by the criminal justice community making assumptions that they are excluded because of other regulations by DCJS. Chief Jacocks noted that Mr. Gotschalk indicated that this was not the intent of the regulations when they were first created and asked if there was another area of the regulations other than **6 VAC 20-80-50** that speaks to individuals who could be certified as instructors. Mr. Gotschalk responded that there is no other section in the regulations that pertains to this. However, one idea is to remove the category of Provisional Instructor and keep a different interpretation of the exemption section and adding a sentence to clarify the meaning that status of employment does not exclude the use of professional exemption. He advised that he and John Byrd have been with the Department for a long time, are aware of the original intent of the regulations, and are close to retirement. His fear is that others may read and interpret the regulations in a different way. Therefore, the regulations should be made clear to avoid misunderstandings.

Sheriff Arthur agreed that the Department might interpret the regulations one way and the criminal justice community might interpret it another. She added that the exemption of an individual who teach three hours or less of instruction adds a definitive time frame that helps clarify who might be exempt from being a certified instructor. Mr. Gotschalk responded that it appears that the COT is suggesting if the category of Provisional Instructor is left in the

regulations it would provide a limitation and give agencies an option. Yet, it needs to be ensured that the interpretation of the section that relates for professionals allows for the use of certified officers or officers subject to mandated training who have professional and proficiency skills. Chief Jacocks asked if Mr. Gotschalk was referring to Item #1 when he referred to the category of Provisional Instructor. Mr. Gotschalk responded that that was correct and it also includes a response to Sheriff Arthur's concern about the limitation of three hours.

Chief Jacocks noted that it would appear that leaving Item #1 in **6 VAC 20-80-50** would alleviate any problems that were discussed by Sheriff Arthur and Major Morrow earlier regarding exemptions. Mr. Baker referred to recommendation #6 under **6 VAC 20-80-50**, which indicates that individuals who have conducted training as a subject matter expert may continue to conduct training in their area of expertise only for two years after being hired by the agency. Therefore, according to Subsection 3, after two years the individual could no longer serve in the capacity of instructor. Mr. Gotschalk responded that each of these items would have to be addressed in two separate areas.

- **6 VAC 20-80-60 Application for instructor certification.**

- Mr. Kindrick recommended that in the comment “. . . The application shall conform to the format and requirements specified by the department,” requirements should be spelled out so that it would be understood what the criminal justice community should comply to.
- Major Morrow agrees with the proposal that Instructor Certification applications shall conform to the format and requirements of DCJS.

- **6 VAC 20-80-70 Instructor recertification.**

- Mr. Kindrick recommended adding a minimum requirement for providing instruction of mandated or approved training during the period of instruction because General Instructorship is directly tied to numerous departments pay increases. Therefore, may students attend the class to receive a salary increase. By placing a minimum requirement, it is ensuring that proficiency is being maintained.

Mr. Gotschalk mentioned that the proposed regulations are that it would be the academy directors' responsibility to determine their requirements for recertification. He added that this would be an inconvenience for the academies, and it would also be an inconvenience on career development programs with the agencies that use this.

- **6 VAC 20-80-80 Revocation of instructor certification.**

- Major Morrow and Chief Gaskins suggested that the word “may” should be sufficient pending a proper investigation into an incident of questions regarding revocation of instructor certification.
- Mr. Vince Ferrara, President, Virginia Association of Directors of Criminal Justice Training (VADCJT), recommended that the word “shall” be substituted for the word “may”.
- Mr. Richard Schumaker, Director, Cardinal Criminal Justice Academy, supports the positions of the VADCJT.

- Mr. Kindrick recommended some consideration for officers who retire to continue their certification as instructors as they have experience and can be considered as subject matter experts.

Mr. Gotschalk reminded the COT that certification as instructor is tied to employment as he had mentioned earlier regarding the process of certification of instructors. An individual must be employed by a criminal justice agency in order to be certified as an instructor. The agency administrator must also sign the individual's application for certification.

Mr. Bushnell asked if the placement of termination of employment resulting in the instructor certification becoming null and void in **6 VAC 20-80-80.C** suffice without having to indicate the same under each of the categories of instructor certification. Mr. Gotschalk responded that this is correct. Mr. Bushnell suggested that this correction be made to reduce repetition.

Chief Jacocks asked the members if there were any questions or comments. Hearing none, he asked if there were any individuals who had pre-filed with the Department to speak during the hearing. Since no one had pre-filed, he acknowledged that Tim Kindrick, Director, Central Shenandoah Criminal Justice Training Academy, and Ronald Staton, Director, Central Virginia Criminal Justice Academy, had signed up on the Speaker Sign-in sheet to address the Committee.

Mr. Kindrick noted that he was speaking only on behalf of Central Shenandoah Criminal Justice Academy. He referred to his comments on **6 VAC 20-80-20 B(4), C(4), D(4), E(4) Compulsory minimum standards for instructors** that the individual applying for instructor certification in one of the specialty areas already be certified as a General Instructor. The rationale is that prior to attending a course for instructorship in one of the specialty areas, one must have already attended successfully completed the General Instructor course, but does not have to be certified as a General Instructor. When one does his apprenticeship in one of the specialty areas, one is, in essence, meeting all of the requirements for the specialty area as well as the General Instructor. Mr. Kindrick related that the last line of each specialty category in the regulations states that completion of the apprenticeship only qualifies the individual to teach in that specialty area. He noted that the regulations should indicate that the individual must either be certified as a General Instructor upon completion of the General Instructor course or as both a General Instructor and instructor in the specialty area once they have completed apprenticeship in the specialty as they would have already completed requirements for both.

Mr. Kindrick referred to Recommendation #6 of **6 VAC 20-80-50 Exemptions to certification requirements**. He noted that it would be difficult for agency administrators with advanced degrees who are not certified as instructors to attend instructor courses or apprenticeships because of their administrative duties. He added that these individuals would be considered better subject matter experts and role models for recruits, and exemptions under the proposed Subsection #2 should include these individuals who fall under the category of criminal justice agencies, as well.

Sheriff Arthur asked how would Mr. Kindrick suggest that the regulations be changed to allow for those exemptions. Mr. Kindrick responded that this could be accomplished if Item #3 is left

as it is, and Item #6 is eliminated and without the distinction of “an agency designated by the Code of Virginia as coming under the purview of the department.” Chief Jacocks mentioned that the proposed Item #3 should probably be referring to the new Item #2, and added that it appears that the proposed regulations are not taking into consideration that it is allowing subject matter experts who are not members of a criminal justice agency to teach indefinitely and not allowing individuals employed by a criminal justice agency to teach without restrictions unless they go through a General Instructor course.

Chief Jacocks made the recommendation that the beginning of the sentence in Subdivision #3 should be changed to indicate “Subdivision 2 of 6 VAC20-80-50 . . .” He called on Mr. Staton who had also signed up to speak. Mr. Staton noted that he was in agreement with Major Morrow that the category of Provisional Instructor should remain. He noted that he has used this category for several instructors who are fluent in Spanish, who have also studied the language in high school and college. However, according to the regulations, some of these individuals would not be allowed to instruct unless they have been employed by the criminal justice agency for at least two years. He also noted that one cannot learn the Spanish language in less than three hours. He added that he would like to also like to continue to utilize the designation of Provisional Instructor for individuals who teach sign language and accounting. He mentioned that he does not believe that an individual should be certified as a General Instructor before attending a specialty school. In the case of Central Virginia Criminal Justice Academy and because of their small instructor base, it is not always possible to arrange to have an applicant attend the General Instructor School prior to attending a specialty school because of schedule conflicts. There have been cases where the individual attends the specialty school prior to taking the General Instructor course. Therefore, if the regulations require that an individual complete the General Instructor course prior to the other specialty schools, many academies might not be able to allow applicants to attend the specialty schools.

Sheriff Arthur asked if these individuals would not be used as an instructor in the specialty areas until they have completed the General Instructor course. Mr. Staton responded that although a specialty course might be completed first, the individual would not be utilized as an instructor until after they have completed the General Instructor Course. Dr. Malcan asked about how being certified as a specialty instructor meet all of the requirements as a General instructor. Mr. Staton responded that Mr. Kindrick was referring to the number of hours. In the General Instructor School there are specific courses (including, adult learning, etc.) that are not included in the specialty courses. One must complete eight (8) hours of apprenticeship for specialty courses and only four (4) hours of apprenticeship for the General Instructor course.

Mr. Gotschalk suggested that staff re-write all of the comments and recommendations to be forwarded to the members of the Committee on Training to review prior to making a decision and present the proposed regulations to the COT during the next meeting for final review and adoption. Sheriff Arthur asked if adding the statement that unless the applicants met the requirements in Subdivision #2 to Recommendation #6 in **6 VAC 20-80-50** would this eliminate some of the concerns of regarding subject matter experts. Mr. Gotschalk responded that he agrees with Mr. Bushnell that the regulations should be clear to all who read it. He added that staff would make the necessary clarifications and get back to the members for review. Mr. Bushnell added that the regulations should allow for some flexibility in situations such as Mr.



Staton's where Central Virginia CJA could use the expertise of newly hired individuals to instruct in specialty areas. Mr. Gotschalk acknowledged that when the regulations were initially written a number of these issues were nonexistent.

Chief Jacocks agreed that there are individuals who have problems imparting their knowledge to students in a classroom. However, he is confident that the academy directors are able to make appropriate decisions regarding which instructors might need to hone their teaching skills by attending a General Instructor course.

Chief Jacocks asked if there were any other comments or exceptions. Hearing none, Captain Terry made a motion to defer making recommendations regarding the Rules Relating to Instructor Standards to the Criminal Justice Services Board pending additional details and clarifications from staff during the next meeting of the Committee on Training. Dr. Malcan seconded, and the motion was carried unanimously.

### ***Old Business:***

#### **ACETRAK/ACECORE**

Chief Jacocks mentioned that during the September meeting of the COT, there was discussion about the tracking of training for all positions under the purview of the Department and the use of the automated system for training academies. He introduced Colette Brown, DCSJ Standards & Training Section, to give information about the purpose of the system and explain what the Department has done regarding upgrades.

Ms. Brown advised that the criminal justice management system was created with SFB Software and DCJS. In 2000, this system was made available to all academies free of charge. She noted that only eighty percent (80%), or twenty-nine (29), of the certified academies took advantage of the offer. Since the time of the free offer, three additional academies have purchased the software. Currently, of the thirty-five (35) certified academies, thirty-two (32) academies and fifteen (15) academy satellites use the ACE software.

Ms. Brown advised that the ACE System is a training records management system in combination with testing software designed specifically to meet the needs of the criminal justice training academies in the state of Virginia. She noted that the Standards and Training Section provides technical assistance to the academies when needed. In 2005, staff provided fifty-eight (58) technical visits, and in 2006, staff presented a two-day seminar on the ACE System in Henrico. Staff also provides data cleanup and serves as a liaison between the ACE user groups, academies, and Janet Schaeffer at SFB Software, which is headquartered in Arizona. From 200-2003, ACE User Groups met on a quarterly basis for updates. Now, to affect necessary changes, the Department asks that the academies send information to DCJS where staff evaluates the information and formulates an appropriate response.

Ms. Brown displayed some of the screens used by users of the ACE System. ACE Version 3.7 is composed of two distinct components – ACETRAK and ACESCORE. ACETRAK is the



records management system that keeps records of the training sessions, classes, certifications, and when training is due for criminal justice personnel. ACESCORE is the component that houses the test databanks and is composed of exam builders, item analyses, and scoring record keeping. ACETRAK and ACESCORE work in concert to provide a complete record of the training performance, in addition to training management.

Ms. Brown explained that the COT members were viewing ACE Version 3.7, Build 10, and Version 4.0, Build 22. She noted that whenever a version of the system is updated or changed, the build number reflects the change. Version numbers are changed to reflect major changes in rules or regulations regarding the tracking of training. Version 4.0 is the latest that was developed in March 2006, and is used by approximately two-thirds (2/3) of all of the training academies. Version 4.0 addresses many of the concerns users had related to social security numbers not showing up on reports, tracking and the way classes were being credited.

Ms. Brown displayed a sample of an opening screen that reveals all information readily available to the user, including: demographics, employment, certification, and social security numbers. She explained that the reason social security numbers are easily viewed by the user is that the user is designated by the academy staff to use and track information. This screen also shows information about personnel including date of birth, function status (law enforcement, jailor, court security officer, dispatcher), training due date, education, and optional items for statistical purposes, such as gender and race.

Some of the highlights of the ACE System is that it allows academies to track member criminal justice agencies' legal and career development hours of training, plan and define classes and submit memos of transmittal to be sent electronically to DCJS, and print certificates and instructor applications once classes are completed. ACETRAK also provides a class management system that allows the user to set up classes and determine the number of individuals who could attend, and the various slots for each attendee, which saves time and manpower for the user. The system also lists all of the training management and all that are active in the system.

Mr. Gotschalk advised that due to a time constraint, Mr. Baker had made a request that Ms. Brown's report on the ACETRAK/ACESCORE system be presented during the next meeting of the Committee on Training in order to move forward to the next item on the agenda. He also noted that during the last meeting of the COT, Mr. Bushnell suggested that staff consider submit a request for funds in order to make necessary upgrades to the ACE system to accommodate mandates passed by the General Assembly regarding in-service rules and training requirements for criminal justice personnel. Mr. Gotschalk mentioned that staff was submitting a grant for funds to the CJSB during the following meeting to appropriate these updates to the ACE System.

### **Bail Enforcement Officer Regulations**

Chief Jacocks advised that the Private Security Section has submitted the Regulations for Bail Enforcement Officers for executive review. However, the Executive Review Committee has some concerns about the training of these officers, and he introduced Lisa McGee to update the members on the proposed regulations.

Lisa McGee, Acting Chief, Private Security Section, explained that the regulations were submitted to the Office of the Governor. However, there was concern about the in-service training. She mentioned that one of the provisions is that if individuals are not completing their in-service training requirements by the expiration date of their credentials, they are then required to go through entry-level training. The Department of Planning and Budget (DPB) thought that this was harsh. Although the regulations were approved by the Office of the Secretary of Public Safety, the Office of the Governor has asked that staff review the requirements.

Ms. McGee advised that the statutes provide that DCJS ensure continued competency from the bail enforcement agent. The law also provides that in order for the BEA to renew their license they are required to apply for renewal prior to the expiration of their credentials and take eight (8) hours of in-service. She advised that emergency regulations are already in place, and the proposed regulations would replace them. She noted that the enforcement of the emergency regulations stays the same and the provision specifically states that if in-service training is not completed by the expiration date, entry-level training would be required. She mentioned that DCJS does not feel that the in-service training requirements are too strict and advised that credentials for the Bail Enforcement Officer (BEO) are good for two years. The BEO is required to complete in-service training during the last twelve months of this certification period for renewal. She added that exemption and requests for extensions are allowed in special cases.

Ms. McGee noted that the Private Security Services Section is asking that this provision is in place to follow through the next phase of the APA process. Mr. Baker added that part of the requirement that the licensee must complete entry-level training if in-service training is not completed before the renewal period is to deter individuals from avoiding in-service training.

Ms. McGee advised that every regulatory program under the private security authority has this same provision for in-service. She noted that an advisory committee was established to provide the emergency regulations and set the training standards. During the public hearing, they received eight (8) comments from the industry with no oppositions to the training requirements.

Dr. Malcan asked what are the requirements for extensions. Ms. McGee responded that extensions could be granted in cases of extended illnesses, extended injury, and military deployment. She advised that alternate training credits are also allowed to help meet the in-service requirements.

Hearing no questions or comments, Mr. Hodges made a motion that a recommendation is made to the CJSB to allow staff to operate under the emergency regulations until the proposed regulations are finalized after a review from the Executive Committee. Mr. Eggleston seconded, and the motion was carried unanimously.

### **Report on Development of a Driver Training Lesson Plan for Jailors**

Due to time constraints, Chief Jacocks made a suggestion to dispense with the item involving the Report on Development of a Driver Training Lesson Plan for Jailors until the next meeting of the

Committee on Training.

**Public Comment**

Chief Jacocks asked if there was anyone in the audience that would like to address the COT concerning matters within its purview.

**Next Meeting**

Hearing no other concerns from the audience, Chief Jacocks noted that staff would forward information regarding the next meeting of the Committee on Training.

**Adjournment**

Sheriff Arthur made a motion to adjourn the meeting. The motion was seconded by Mr. Dowe, was carried unanimously, and the meeting was adjourned at 10:42 a.m.

Respectfully submitted,

Thomas E. Nowlin  
Recording Secretary

Approved:

\_\_\_\_\_  
The Honorable Charles W. Phelps  
Chair

\_\_\_\_\_  
Date

Attachment(s)